

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 836

IN THE MATTER OF:

Served July 3, 1968

Application of D. C. Transit )  
System, Inc., for Authority )  
to Operate a Mall Shuttle )  
Service. )

Application No. 432

On May 3, 1968, the Commission issued Order No. 815 in which it (a) denied applicant's motion to set its application for route authorization to operate a Mall Shuttle Service for immediate hearing, and (b) dismissed applicant's application for reconsideration of a non-existent order.

On June 3, 1968, applicant filed an application for reconsideration of Order No. 815, setting forth four (4) grounds as error: (1) the order violates the due process clause of the constitution, (2) the order is contrary to the public interest, (3) the order is contrary to the mandate of Section 4(b) of the Compact, and (4) it is inconsistent with the District of Columbia Circuit Court of Appeal's decision in Washington Metropolitan Area Transit Commission v. Universal Interpretive Shuttle Corporation, Case No. 20,975.

In Order No. 815 we pointed out that we were cognizant that the essence of Universal was that any carrier operating a Mall Shuttle Service would have to be certificated by this Commission. We further noted that the Supreme Court of the United States had elected to review this decision.

Any such operation as sought herein will not only have to be performed pursuant to authority from this Commission but also pursuant to a permit from the Department of Interior. Order No. 815 clearly indicates that recent events and statements from the Interior Department make it evident that the Department will not issue any such permit until all questions are finally resolved in this litigation by the Supreme Court. Consequently,

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the crux of Order No. 815 was that there is little, if any, point in acting upon applications for authority to operate a Mall Shuttle Service at this time, since nothing would be accomplished thereby.

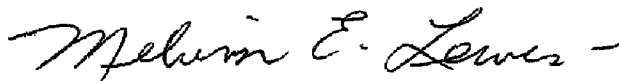
No developments have taken place nor has applicant in its application for reconsideration advanced any reason which would compel us to alter our position. Quite to the contrary, it is still apparent that our decision not to act on such applications is the only constructive and responsible manner in which to deal with the problem and that policy will remain in effect.

Hence, we find applicant's contentions to be without merit and we will deny the application for reconsideration. Order No. 815 fully explored the present problem in a detailed manner. Applicant has advanced no contention not adequately considered in that order.

In addition, several of applicant's contentions fail to meet that degree of specificity required by Section 16 of the Compact. See, e.g., Ground No. 4.

THEREFORE, IT IS ORDERED that the application of D. C. Transit System, Inc., for reconsideration of Order No. 815 be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, reading "Melvin E. Lewis -".

MELVIN E. LEWIS  
Executive Director